

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>V.</b>	)	<b>CASE NO: 2:07-cr-104-WKW-SRW</b>
	)	
<b>NORMAN EVANS MCELROY, JR.</b>	)	

**UNOPPOSED MOTION TO CONTINUE TRIAL**

**COMES NOW** the Defendant, **Norman Evans McElroy, Jr.**, by and through undersigned counsel and pursuant to 18 U.S.C. § 3161(h), and respectfully requests that this Court continue this matter from the February 4, 2008 trial term to the next trial term of this Court.

In support of this motion, the Defendant would show that such continuance will serve the ends of justice, in that failure to grant a continuance would deny counsel for the Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(8)(B)(iv).

In further support, Mr. McElroy would show the following:

1. The government does not oppose this Motion.
2. Additional time is required to complete investigation of this matter. Defense counsel and defense expert have met with the government's expert to review computer evidence, but were unable to complete this review in one day. The government's expert is based in Mobile. Additional meetings are being scheduled and may require defense counsel to travel to view evidence held in Mobile.

3. Additional time is also needed to allow the Court to fully address the issues in motions pending before the Court.

4. Trial preparation cannot be completed on or before the presently scheduled trial date.

5. The defendant is detained, but does not oppose this motion. If convicted of the charges brought in this Indictment, he will be facing substantial incarceration.

**WHEREFORE**, the Defendant prays that this Motion be granted and that the trial be continued from the February 4, 2008 trial term to the next appropriate Montgomery criminal trial term assigned to this Court.

Respectfully submitted,

**s/ Christine A. Freeman**

**CHRISTINE A. FREEMAN**

**TN BAR NO.: 11892**

Federal Defenders

Middle District of Alabama

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 11, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Christopher Snyder, Esq., Assistant United States Attorney.

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**s/ Christine A. Freeman**

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